UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Le Forme della Mediazione

2425-1-F8701N069

Learning objectives

Understand the model of restorative justice and the programs that implement it, and its application in the Italian legal context.
Understand the principles and characteristics of the restorative paradigm, also in relation to contexts other than criminal justice, with particular regard to the social and community sectors.
Introduce the main national and international legal sources that regulate the application of restorative justice programs.
Understand the role of the mediator, equiproximity, highlighting the distinctions and interactions of this role with social professions.
Experience some tools of the mediator specializing in restorative justice programs.
Deepen the contexts of applying the restorative model: in Italy and abroad, with particular regard to serious/very serious crimes.
Explore issues related to the experience of victimization.

Contents

Retributive, rehabilitative, and restorative justice
Restorative justice as relational justice
Mediation and repair: victims and individuals identified as offenders in the reconstruction of social contracts
The mediator's listening
The conflict generated by the crime
Repairing the irreparable

Detailed program

Retributive, Rehabilitative, and Restorative Justice:

Changing the perspective and the optics of complementarity
The justice of encounter: from monologue to dialogue
Distinction between restorative justice and activities with a restorative value
Restorative Justice as Relational Justice:

Understanding and recognizing

Social contracts and trust expectations

Mediation and repair: victims and individuals identified as offenders in the reconstruction of social contracts

Restorative justice programs

The process and structure of a mediation meeting

Active participation and responsibility "towards"

The Mediator’s Listening:

Characteristics of empathic listening
The equiproximity role of the mediator in restorative justice programs
The mediator’s listening in relation to conflicts arising from the commission of a crime
The Conflict Generated by the Crime:

First and second-generation conflicts
Conflicts and disputes
Which conflicts are relevant for restorative justice
Repairing the Irreparable:

The experience of Libro dell'incontro
The experience of the South African Truth and Reconciliation Commission
Repair as an outcome of a restorative justice program
Symbolic and material reparative agreements

Prerequisites

no one

Teaching methods

The course will be based on:

Theoretical lessons always accompanied by classroom debates and group discussions
Audiovisual stimuli will be used
Exercises and group work will also be proposed
Some lessons will take place at a penitentiary institution for adults in Milan, to encourage encounters and the exchange of different perspectives on a difficult topic, such as repair after the commission of a crime.

Assessment methods

The participants will be called to actively engage in the lessons by valuing each individual's point of view.
During the lessons, assignments for analysis and reading will be given, which will then be presented and discussed in class.
At the end of the course hours, participants will be asked to prepare a brief written assignment, which will be the subject of the final exam.
In particular for attending students: starting from the lessons held, meetings at the penal institution, and the readings assigned by the teacher, students will be required to give a group presentation in class and submit a written paper, both to be done in groups.
For non-attending students: based on the readings indicated in the "reference texts" section, they are required to write a paper that illustrates restorative justice and develops an aspect of it (the VOICES contained in the Libro dell'Incontro can provide an interesting starting point). The student can choose a key word related to restorative justice and mediation, or a topic that particularly impacted them, and attempt to analyze it. Alternatively, they can link a specific conflict case and imagine a mediation intervention, such as a conflict known in their professional field for those who are already working, or in other contexts (including cinematic and literary ones). The paper should include a more descriptive section on restorative justice and mediation (based on the texts read) and a section with more personal reflection, starting from a word, a theme, or a conflict.

Textbooks and Reading Materials

For attending students, follow the teacher's instructions given in class regarding the following texts: **

- Bertagna, Ceretti, Mazzuccato (a cura di), Il libro dell'incontro. Vittime e responsabili della lotta armata a confronto,
  Saggiatore, 2015
- Marcello Bortolato, Edoardo Vigna, Oltre la vendetta. la giustizia riparativa in Italia, editori Laterza, 2024
- Tommaso Greco La legge della fiducia, alle radici del diritto, ediatori Laterza, 2023
  Additional optional texts:
- Scaparro F. (a cura di), Il coraggio di mediare, Guerini e Associati, Milano, 2023 nuova edizione
- Picotti L. (a cura di), La mediazione nel sistema penale minorile, CEDAM, Padova, 1998
- Mannozzi G., La giustizia senza spada. Uno stadio comparato su giustizia riparativa e mediazione penale, Giuffrè,
  Milano, 2003
- Danovi F., Ferraris ADR Una giustizia complementare, 2018 Giuffrè
- Nociti A., Guarire dall'odio, ed. Franco Angeli, 2000

For non-participants:
Bertagna, Ceretti, Mazzuccato (a cura di), Il libro dell'incontro. Vittime e responsabili della lotta armata a confronto, Saggiatore, 2015 Read the first two chapters, the entire "VOICES" chapter, and choose one of the contributions by Ceretti or Mazzucato.
Read two other contributions from the following texts of your choice (either two contributions from the same volume or from different volumes).**
Scaparro F. (a cura di), Il coraggio di mediare, Guerini e Associati, Milano, 2023 nuova edizione
Danovi F., Ferraris ADR Una giustizia complementare, 2018 Giuffrè
Nociti A., Guarire dall'odio, ed. Franco Angeli, 2000

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS